

**REMARKS**

Upon entry of this paper, claim 2 has been amended, claims 5-61 have been canceled, and claims 62-79 have been added as new claims. Thus, claims 1-4 and 62-79 are presently pending in this application. No new matter has been added. The cancellation of claims 5-61 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 5-61 are being canceled solely to expedite the prosecution of the present application. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

**Rejection Under 35 U.S.C. §103***Claims 1-4*

The Examiner has rejected claims 1-4 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,687,939 (the '939 patent). The applicant respectfully traverses the rejection. Favorable reconsideration thereof is requested in light of the following.

Claim 1 recites a modular display system having a first support arm to which a second support arm and a third support arm are secured. The third support arm may be readily detached from the first support arm. Advantageously, and as claimed, this results in a display system that may be modularly configured as either a two panel display system or as a three panel or greater display system.

The Examiner concedes that the '939 patent does not teach a third support arm that may be readily detached to enable the system to be modularly configured as a two, three or greater panel system. Nonetheless, the Examiner argues that it would have been obvious "...to provide a third support arm analogous to the second support arm (18) in order to support additional LCD panels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8." The applicant respectfully traverses this argument.

First, in an appeal by Asai and Kawamura before the Board of Patent Appeals and Interferences (Appeal No. 2001-1509 in re Application No. 08/871,890) the Board provided the following ruling, which is relevant to the present application: "... the Examiner contends (id.) that '... it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8.' It is our view, however, that the Examiner has improperly relied on a per se rule of obviousness that merely adding duplicate additional parts... is not patentable. The issue of obviousness must always be determined on a case by case basis considering the specific recitations of the claimed invention and the specific teachings of the applied prior art."

Second, mere duplication does not capture one of the non-obvious qualities of the claimed invention, viz., modularity. Even if, for the sake of argument, a four panel display system were obvious in light of the two panel display system taught in '939, it does not necessarily follow that a two panel display system and a four panel display system would render obvious a system that can be modularly configured, in the manner described in the claim 1, as both a two panel system and a four panel system. The system recited in claim 1, which can be modularly configured as a two, four and even three panel display system, is not obvious in light of the '939 patent.

Third, duplication of the support arm 18 of the '939 patent is not enough to capture the invention recited in claim 1. In particular, provided with a copy of support arm 18 and the system taught in '939, it would not be obvious to arrive at a display system that can be modularly configured as a two, three or greater panel system. For example, only one joint is taught in '939 to couple the arm 18 to the upright 20 (col. 3, lines 29-30 and Fig. 7). Where, then, would an additional support arm be disposed? How would the support arm be so disposed? How would the system be designed to allow for the appropriate spacing of display panels?

For these reasons, the applicant requests that the Examiner withdraw the obviousness rejection of claim 1, and also claims 2-4, which depend therefrom.

**New Claims**

Claims 62-79 have been added. Support for these claims can be found throughout the specification and claims as originally filed, including at column 12, lines 60-67, column 13, lines 1-56 and column 14, lines 1-11, and related figures 53-64, in addition to other locations not specified herein.

Claims 62-79 include features not taught in the '939 patent. For example, claim 77 recites a first support arm that is securable to the base assembly in two orientations. The upright 20 of '939, which the Examiner has identified with the first support arm, is connected to the base 12 and is not taught in '939 to be securable thereto in two orientations. Favorable consideration of these claims is requested.

**CONCLUSION**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this statement beyond that which has been submitted herewith. However, if an additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. BEW-007REIRCE from which the undersigned is authorized to draw.

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Respectfully submitted,

  
By \_\_\_\_\_

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